



## **IN-CANADA REFUGEE CLAIMANTS**

### **In-Canada Refugee Claimant Process**

- The Government of Canada's approach to in-Canada refugee claimants (equates to the US term asylum seekers) aims to respect Canadian values, Canada's international humanitarian commitments and, at the same time, ensure the safety and security of Canadians.
- As a signatory to the 1951 UN Convention, Canada has a long tradition of refugee protection. In fact, Canada has codified within the *Immigration and Refugee Protection Act* (IRPA) the requirements to be determined a refugee in Canada.
- The in-Canada Refugee claimant process is managed by several Governmental organizations who have specific roles to ensure that the rights of the individual are respected while at the same time, Canadian society is properly protected. While the Minister of Immigration, Refugees and Citizenship is the lead for the Government of Canada on the in-Canada refugee claimant process, the Public Safety portfolio also has a key role to play.
- The Canada Border Services Agency (CBSA) is responsible for all aspects of border management including the acceptance of in-Canada refugee claims, conducting security screening and engaging in the removal of persons from Canada who are determined not to be refugees.
- The Royal Canadian Mounted Police (RCMP) are responsible for patrolling and maintaining security at Canada's borders between the ports of entry. As such, the RCMP is responsible

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for identifying and arresting people crossing the border illegally, and then turning them over to the CBSA for processing their refugee claim. The RCMP are also responsible for holding all biometric information on in-Canada refugee claimants and for running this information with US partners to identify persons of concern.

- The Canadian Security Intelligence Agency (CSIS) is also involved in the security screening of all in-Canada refugee claimants and they leverage the information holdings of the Communications Security Establishment of Canada (CSEC) to ensure that threats to the security of Canada are properly identified.
- Some refugee enter Canada illegally from the US, between designated ports of entry in order to avoid being excluded from making a refugee claim as a result of the Safe Third Country Agreement (STCA), which requires that such persons seek protection in the first safe country in which they arrive.
- Once determined to be eligible, the refugee claimant is referred to the Immigration and Refugee Board of Canada (IRB) for a hearing to determine if they are a refugee. The CBSA will intervene on security cases to exclude such persons from refugee protection in Canada
- While in most cases the refugee claimant is released into Canada to await the disposition of their refugee claim, where there are grounds to believe that the individual may pose a risk to the public, a flight risk or where identity cannot be verified, an officer may arrest and detain the individual.
- All individuals subject to immigration enforcement have the right to due process, however, once they have exhausted all

legal avenues, they are expected to leave Canada or be subject to removal proceedings.

- Over the last six years there have been a number of Governmental initiatives which resulted in a significant reduction in in-Canada refugee claims being submitted. However, over the past two years there has been an increase in the number of refugee claimants seeking protection in Canada. On a national scale, the majority of cases for refugee protection are made inland at IRCC offices. Over a six year period (2011 – 2017), over 60,000 claims for refugee protection were made to IRCC, while over 50,000 were made to CBSA officers at a port of entry or inland. This is now trending in the opposite direction as the CBSA is receiving more claims at POEs and at inland offices.
- In response to the issues being seen in several small communities across the Canada-US border, the CBSA has initiated interdepartmental contingency planning with key federal partners including the RCMP, IRCC, Public Safety Canada and GAC to develop a holistic, coordinated, federal response in the event of a larger influx of people seeking refugee protection in Canada.

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Minister's Meeting with  
John Kelly, United States Secretary of Homeland Security

Friday, March 10, 2017  
10:00 a.m. to 3:15 p.m.

Centre Block

**BRIEFING MATERIAL**

- I. Memorandum for the Minister**
  - A. Itinerary**
  - B. Overview of messages for meetings with Secretary Kelly**
  - C. Biographies**
  - D. Responsive items that may be raised by the U.S.**
  - E. Joint Statement from President Donald J. Trump and Prime Minister Justin Trudeau**
  - F. Next Steps for Preclearance**
  - G. Media Scan of Recent Border Trends: U.S. Land Ports of Entry**
  - H. Overview of Canada-United States Border Cooperation**
  - I. Overview of Key Investments in Border Infrastructure and Technology**
  - J. Overview of Opiod Crisis**

PS-015128



Public Safety  
Canada Sécurité publique  
Canada

Deputy Minister Sous-ministre  
Ottawa, Canada  
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MEMORANDUM FOR THE MINISTER

MEETING WITH JOHN KELLY  
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY

(Information only)

ISSUE

You are meeting with the Secretary of the Department of Homeland Security (DHS), John Kelly, on March 10, 2017. This will be his first visit to Canada as DHS Secretary, and he will be meeting with you and various Cabinet colleagues (see TAB A for full program).

You will be spending part of the day with Secretary Kelly, having invited him for a roundtable discussion on priorities with members of the Canada-U.S. Cabinet Committee, a working lunch, and a tour of the Peace Tower. You will also be joining Minister Hussen at his request for his meeting with Secretary Kelly. An overview of key messages and outcomes has been developed for your reference (TAB B).

BACKGROUND

Secretary Kelly is expected to be accompanied by DHS Assistant Secretary of Public Affairs Jonathan Hoffman, Acting Customs and Border Protection (CBP) Commissioner Kevin McAleenan, DHS Deputy Assistant Secretary Matthew King, U.S. Embassy Chargé d'Affaires Elizabeth Aubin, and

Biographies are enclosed (TAB C). They will participate in the Secretary's meetings, with the exception of the special meeting with Cabinet Committee members where it will only be the Secretary, the Chargé, the Acting CBP Commissioner, and the Secretary's Chief of Staff.

An invitation for the special meeting of the Canada-U.S. Cabinet Committee has also been extended to select parliamentary secretaries and other ministers with relevant mandates, including Parliamentary Secretary Andrew Leslie and Fisheries Minister Dominic Leblanc.

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Strategic objectives for the day are to:

- Present the Public Safety Portfolio as an effective and trustworthy partner for the U.S. on security and border management issues;
  - Reinforce the differences between the northern and southern U.S. borders (e.g. economic and energy interdependencies; advanced security cooperation);
  - Seek a firm commitment to move forward with commitments made by the Prime Minister and President for cargo preclearance and co-location;
- 
- Provide an update on national security issues.

Briefings on responsive issues are attached (TAB D).

## CONSIDERATIONS

### *1. PRECLEARANCE*

The February 13, 2017 joint statement between Prime Minister Trudeau and President Trump included a commitment for both Canada and the U.S. to implement cargo preclearance (TAB E), and explore opportunities for possible co-location.

An outline of issues and next steps is attached (TAB F). This meeting will be an opportunity to agree to:

- conduct consultations with industry to identify interested partners and locations for cargo preclearance;
- implement imaging pilot (rail) by summer, and identify additional cargo pilots by end of 2017;
- identify additional U.S. legal authorities needed for cargo; and
- strike a binational working group to identify co-location opportunities by the end of 2017.

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**KEY MESSAGES:**

- Recognize the February 13th Joint Statement as an important step forward for cargo preclearance and possible co-location opportunities.
- Highlight the recent progress of preclearance legislation through the House;
- Note that for Canadian preclearance in the U.S., CBSA is developing a strategy to maximise operational, economic, and efficiency benefits through cargo and traveller preclearance operations, including possible co-location. CBSA will continue the ongoing dialogue with its U.S. counterparts to move ahead on a strategy for preclearance.
- Provide assurance that in Bill C-23, Canada has all legal authorities to conduct cargo preclearance in the U.S. and to allow for U.S. preclearance officers to clear cargo in Canada.

Progress on these issues  
should be discussed at the next Preclearance Consultative Group meeting to be held in the next 120 days.

**2. RECENT BORDER TRENDS**

The working lunch will be an opportunity to raise the need to work together to avoid disruptions at the border, including those that have resulted from recent Executive Orders. However, we expect a more detailed discussion on border trends will take place during your trilateral meeting with Minister Hussen and be informed by discussions with Cabinet colleagues on March 7.

*Asylum Seekers*

During your latest call with the Secretary, you both agreed to share information on this trend at this meeting. From February 1, 2017, to March 5, 2017, 2,963 people made asylum claims coming from the U.S. either at or between ports of entry. The ports of entry most impacted are located in Quebec, Manitoba, and British Columbia. Three main categories of claimants have been identified to date:

Existing CBSA and RCMP resources have already been internally reallocated to respond to the current flows, and border integrity is an ongoing area of cooperation with the U.S.

*Travel Restrictions*

U.S. Executive Orders have also resulted in uncertainty with respect to the public's ability to travel and heightened concerns about the treatment of individuals seeking to enter the U.S. Some school boards have cancelled cross border travel, and media has reported on individuals who are being turned away at the border. An overview of such cases recently identified in the media is attached for your information (TAB G).

The new Executive Order on immigration and travel issued on March 6, and the related questions and answers published by DHS address some issues, such as dual nationals travelling on Canadian passports and Canadian permanent residents from the six identified countries (Iran, Yemen, Sudan, Somalia, Libya, Syria).

*Entry/Exit and Biometrics*

The March 6 Executive Order on immigration and travel reiterates the call to "expedite the completion and implementation of a biometric entry/exit system for in-scope travellers to the U.S." The U.S. currently collects biometric data on entry for third country nationals, except Canadians. Canada does not collect biometrics at ports of entry, except for refugee claimants and specific immigration cases.

Under Entry/Exit, Canada and the U.S. would share biographic information on all travellers crossing at common land ports of entry. Pending the passage of Bill C-21, Canada has been providing biographic information on U.S. citizens entering Canada at the land border since last August, in addition to the information about third-country nationals and permanent residents which Canada and the U.S. have been exchanging since 2013. Bill C-21, an *Act to amend the Customs Act*, was introduced in June 2016 will enable Canada to fully meet its commitment to the US and share information on all travellers crossing the land border. Should Royal Assent of C-21 be granted before the end of this Parliamentary session, the regulatory amendments needed to fully implement Entry/Exit could be published by end 2017/early 2018, with full implementation anticipated in 2018.

*Privacy*

The Executive Order on public safety which dealt with removals included language that sought to have federal agency privacy policies exclude persons who are not United States citizens or lawful permanent residents.

**KEY MESSAGES:**

- Underscore the need to work together to keep the land border flowing effectively, while ensuring security at and between ports of entry.
- Emphasize the importance of ensuring consistent and predictable interactions for legitimate travellers and traders transiting the Canada-U.S. border, especially in current public environment of uncertainty.
- Note the importance of working together before Executive Orders or other measures are announced to minimize disruptions, and recognize the level of integration and effective joint management of our shared border.
- Note the unusual and increasing levels of asylum seekers from the U.S., and the need to address this issue together.
  
- Express the Government's commitment to move Entry/Exit legislation through Parliament; and note that sharing of biographic information on third party nationals and permanent residents, and on U.S. citizens entering Canada at the land border is working well.

- Seek assurances that the U.S. remains committed to protecting information shared by Canada under the terms of existing information sharing agreements. Note the importance of being able to assure citizens on both sides of the border that their information and rights are safeguarded.

**3. FUTURE OPPORTUNITIES FOR COOPERATION**

The PM/President Joint Statement of February 13 identifies several areas for further cooperation on security (see TAB H for overview of previous collaboration). It also acknowledges that there is significant cooperation already underway (e.g. preclearance, Entry/Exit).

**KEY MESSAGES:**

- Note that over the last fifteen years, Canada and the U.S. have made significant progress in establishing a risk-based approach to the border. Both countries have worked together to:
  - build a common understanding of threats through increased information sharing in the areas of national security, immigration, and law enforcement;
  - enhance cyber security and critical infrastructure resilience on both sides of the border;
  - facilitate legitimate travel through the establishment of trusted traveller programs such as NEXUS and Global Entry;
  - expand the potential of air preclearance to all modes and cargo;
  - support cross-border trade through harmonized commercial processing;
  - improve aviation security through recognition of national security standards and adoption of security screening technology; and
  - make significant, complementary investments in border infrastructure.

**4. NATIONAL SECURITY UPDATE**

The Canada-U.S. Redress Working Group has been launched and is examining mechanisms to address issues regarding security lists experienced by Canadian citizens and permanent residents. Two cases have already been referred and are under review.

The U.S. continues to express interest in Canada's national security consultation process which includes former Bill C-51 and accountability. PS is currently working with a third party contractor to prepare a public report on the consultations. Decisions with respect to the scope of the changes that may be undertaken to the national security framework are still underway. This meeting will be an opportunity to provide an overview of the process and assure Secretary Kelly that regardless of the changes that would be envisaged, Canada will continue working closely with its U.S. counterparts in order to protect our citizens, while safeguarding their rights and freedoms.

Canada will host the next Five Country Ministerial with the Quintet (Five Eyes Justice Ministers) on June 26-27, 2017 in Ottawa.

**KEY MESSAGES:**

- Note that important information sharing is already underway -

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- Highlight the engagement of Canadians in an unprecedented consultation process on a range of national security issues, resulting in over 79,000 responses in the online consultation process alone. The scope of changes that will be made to our National Security Framework are still under discussion.
- Note that Canadians strongly support taking additional measures to improve accountability and transparency with respect to our national security.
- Provide assurance that we will continue to work closely on national security issues with U.S. counterparts so that we can both keep our citizens safe in a manner that safeguards their rights and freedoms.
- Underscore that Canadians also remain engaged on the issue of prevention as a means to address issues related to radicalization to violence. To that end, Canada is standing up an Office on Community Outreach and Countering Radicalization to Violence to provide national and international leadership.
- Note that this week, Five Eyes officials have been engaged in a range of meetings and events to discuss emerging policy issues and innovative research to address countering radicalization to violence. The result will form the basis of discussions at the Five Country Ministerial in Ottawa in June.
- Raise that you would like to discuss right wing extremism as part of the Five Country Ministerial discussion on countering radicalization to violence.

5. **CYBERSECURITY**

The U.S. has previously expressed an interest in our domestic review of Canada's cybersecurity approach and framework. PS officials have kept Five Eyes partners apprised of Canada's Cyber Review through the Ottawa 5 and the Usual 5 working groups. Given President Trump's platform commitment to implement a review of all cybersecurity systems and technologies, the Canadian experience may be of interest.

The PM/President Joint Statement identified cybersecurity as an important area for collaboration. There is already ongoing cooperation, at both a policy and operational level, to detect, deter and respond to cyber threats. PS is currently exploring ways to enhance Canadian-American cooperation in this area.

**KEY MESSAGES:**

- Provide an overview of key issues raised during Canada's cyber review, including the need for:
  - better private sector engagement, enhanced public awareness, education and training;
  - improved information sharing mechanisms between the private and public sector; and
  - cyber security legislation, regulation or standards for critical infrastructure and other sectors.
- Note that comments revolved around three main themes, which have become the foundation of our renewed strategy:
  - secure and resilient Canadian systems;
  - an innovative and adaptive cyber ecosystem; and
  - effective leadership and governance.
- Share that based on the conclusions of the review, Canada is:
  - exploring options to re-organize our governance structure as a means to address the gaps and issues identified through the review;
  - renewing its cyber security strategy and will finalize it this spring; and
  - looking to bring forward initiatives that lay out concrete actions to respond to identified gaps and issues.
- Emphasize that there is already close policy and operational collaboration between Canada and the U.S.

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**NEXT STEPS**

Should you require additional information, please do not hesitate to contact me or Jill Wherrett, A/Assistant Deputy Minister, PACB at 613-949-6435.

Malcolm Brown

Enclosure: (10)

Prepared by: Melanie Anestis

**DHS SECRETARY KELLY VISIT TO OTTAWA**  
**FRIDAY MARCH 10, 2017**

**U.S. DELEGATION**

Secretary John Kelly, Kirstjen Nielsen (Chief of Staff), Jonathan Hoffman (Assistant Secretary Office of Public Affairs), Kevin McAleenan (Acting CBP Commissioner), Matthew King (Deputy Assistant Secretary, Office of International Engagement),

Elizabeth Aubin (Charge d'affaires),

**CANADIAN DELEGATION**

Minister Ralph Goodale, Marci Surkes (Chief of Staff, Minister's Office, PS), Malcolm Brown (Deputy Minister, Public Safety), John Ossowski (President, CBSA), Jill Wherrett (A/Assistant Deputy Minister, Public Safety), and Megan Nichols (A/ Director General, Public Safety).

**PROGRAM**

- 10:00 – 10:15 a.m. Arrival of U.S. delegation at Centre Block (main entrance)
- 10:15 – 11:00 a.m. (Cabinet Meeting Room) Special meeting with Members of the Canada-U.S. Cabinet Committee  
Topics – Roundtable on priorities
- 11:00 – 11:10 a.m. – Family photo (details TBD)
- 11:10 - 11:35 a.m. (356-S Centre Block or Minister Freeland's Hill office) - Meeting with Minister Freeland - TBC  
Topics: Border security, counter-terrorism and CVE, regional cooperation, energy security
- 11:35 – 12:00 a.m. (356-S Centre Block) – Meeting with Minister Garneau  
Topics: ballast water, Ambassador Bridge, aviation security (i.e. CATSA/TSA), cargo preclearance
- 12:00 – 12:15 p.m. (356-S Centre Block ) Courtesy call with Minister Wilson-Raybould  
Topics: Information sharing and Quintet
- 12:20 – 2:00 p.m. (New Zealand Room - Parliamentary Restaurant) - Working lunch  
Topics: preclearance, progress update (Entry/Exit, information sharing), items of interest (National Security Review, Cybersecurity Review), areas of future cooperation
- 2:00 – 2:20 p.m. – Tour of Peace Tower and signature of Afghanistan memorial book  
Minister Goodale to tour with Secretary Kelly
- 2:30 – 3:15 p.m. (356-S Centre Block) – Trilateral Meeting with Minister Hussen and Minister Goodale  
Topics: immigration system, immigration information sharing,
- 3:30 p.m. - Departure back to U.S. Embassy of the U.S. delegation

3/7/2017 3:00 PM

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## OVERVIEW OF MESSAGES FOR MEETINGS WITH SECRETARY KELLY

### **1. PRECLEARANCE**

- The Prime Minister and President Joint Statement is an important step forward for cargo preclearance and possible co-location opportunities.
- Canadian legislation is progressing,
- Once legislation is passed, Canada will have all authorities needed to establish cargo preclearance in the U.S. and to allow the U.S. to do so in Canada.
- CBSA is developing a strategy to maximize operational, economic and efficiency benefits through preclearance operations in the U.S., including possible co-location.
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### **2. RECENT BORDER TRENDS (*to be discussed bilaterally with Minister Hussen*)**

**-SECURE U.S. COMMITMENT TO SPECIAL CONSIDERATION FOR CANADA IN FUTURE TRAVEL RESTRICTIONS AND VETTING PROCEDURES**

**-CONFIRM BIOMETRICS WILL NOT INCLUDE CANADIAN OR U.S. CITIZENS**

- Need to work together to keep the land border flowing effectively, but also to make sure it is secure, e.g. between points of entry.
- Consistent and predictable interactions for legitimate travellers and traders transiting the Canada-U.S. border is key; currently the public is feeling uncertainty given recent Executive Orders.
- Canada is experiencing unusual levels of asylum seekers from the U.S. which needs to be addressed together – share trends on those seeking asylum and individuals denied entry at the shared border.
- Need to work together before Executive Orders or other measures are announced, as our shared border warrants special consideration given integrated, successful joint management.
- Underline success of Entry/Exit to-date; already sharing biographic information on third country nationals, permanent residents, and U.S. citizens.

- Ask Secretary to confirm:

- biometrics will not be applied at the land border for Canadian and U.S. citizens to avoid delays and costs in both countries.
- Confirm that the U.S. remains committed to protecting information shared by Canada under the terms of existing information sharing agreements.

### **3. FUTURE OPPORTUNITIES FOR COOPERATION (NEXT STEPS POST-BTB)**

- Canada and the U.S. have cooperated for decades to maintain a secure border that enables efficient legitimate trade and travel. Must continue to modernize and keep pace for the future.
- Cooperation to date has resulted in the expansion of preclearance, establishment of harmonized trusted traveller and trusted trader programs, harmonized commercial processing, and enhanced information sharing.

### **4. NATIONAL SECURITY AND COUNTERING RADICALIZATION TO VIOLENCE -CANADA WILL CONTINUE TO BE A TRUSTED NATIONAL SECURITY PARTNER**

- Note unprecedented consultation process on a range of national security issues, resulting in over 79,000 responses in the online consultation process alone.
- Canadians are strongly supportive of more measures to improve accountability and transparency with respect to national security.
- Priority of the review of the national security framework is to ensure we keep Canadians safe, while also safeguarding our values in a free and democratic society. There will be no compromise on our continued ability to work closely with our American partners irrespective of the scope of changes currently under discussion.
- Canada is also standing up the Office on Community Outreach and Countering Radicalization to Violence to provide national and international leadership on prevention as a means to address radicalization to violence.
- Canada will host the Five Country Ministerial/Quintet meetings in Ottawa at the end of June. Meeting will discuss countering radicalization to violence (including right wing extremism), counter-terrorism, information sharing, migration and border security, cyber and critical infrastructure.

## **5. CYBERSECURITY REVIEW**

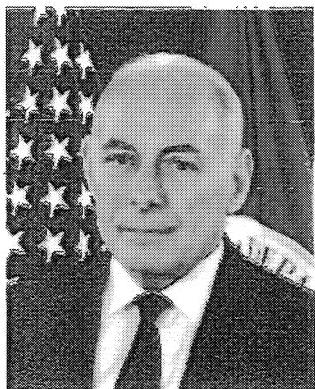
- Canada's cyber review identified key themes which have become the foundation of our renewed strategy: secure and resilient Canadian systems; an innovative and adaptive cyber ecosystems; and effective leadership and governance.
- The key issues raised during the review included the need for:
  - better private sector engagement, enhanced public awareness, education and training;
  - improved information sharing mechanisms between the private and public sector; and
  - cyber security legislation, regulation or standards for critical infrastructure and other sectors.
- PS officials have kept the United States and its Five Eyes partners apprised of Canada's Cyber Review through the Ottawa 5 and the Usual 5 working groups.
- Important cyber collaboration already in place including through our national cyber operations centres.

## **LEGALIZATION OF MARIJUANA**

### **- PROVIDE AN UPDATE ON LEGISLATION AND ASSURE U.S. OF CONSIDERATION OF BORDER SECURITY IMPLICATIONS**

- Government's priority is to keep marijuana out of the hands of children and take the profits away from criminal enterprises. Transition will be considered and orderly, and require time.
- Until new legislation comes into effect, the current laws and rules remain in place.
- Canada is sensitive to implications for our American neighbours; we will work with U.S. counterparts to manage any border issues that may arise, and ensure measures are in place to mitigate possible effects.

## John F. Kelly, Secretary of the United States Department of Homeland Security



John Francis Kelly was sworn in on January 20, 2017 as the fifth Secretary of Homeland Security. Prior to joining the U.S. Department of Homeland Security (DHS), Secretary Kelly served as the Commander of the United States Southern Command (SOUTHCOM) from November 2012 until January 2016. During his 39 months in command of SOUTHCOM, he worked closely with the FBI, DEA and DHS on matters related to the flow of drugs, people and other threats against the U.S. homeland that flow along the trans-national criminal networks into the U.S. from the south.

Secretary Kelly has had an extensive career in the military. He first enlisted in the Marine Corps in 1970, and was discharged as a sergeant in 1972, after serving in an infantry company with the 2nd Marine Division, Camp Lejeune, North Carolina. Following graduation from the University of Massachusetts in 1976, he was commissioned an Officer of Marines.

As an officer, Secretary Kelly served in a number of command, staff and school assignments to include sea duty, instructor duty at The Basic School, the Infantry Officer Course, command of the 1<sup>st</sup> Light Armored Reconnaissance Battalion, attendance at the National War College, and duty on Capitol Hill as the Commandant's liaison to the U.S. Congress. He also served as the Special Assistant to the Supreme Allied Commander, Europe, in Mons, Belgium.

He returned to the United States in 2001, and was assigned duty as the Assistant Chief of Staff G-3 with the 2nd Marine Division. In 2002, selected to the rank of Brigadier General, Secretary Kelly again served with the 1st Marine Division, this time as the Assistant Division Commander. Much of the next two years was spent deployed fighting in Iraq. He then returned to Headquarters Marine Corps as the Legislative Assistant to the Commandant from 2004 to 2007. Promoted to Major General, he returned to Camp Pendleton as the Commanding General, I Marine Expeditionary Force (Forward). The command deployed to Iraq in early 2008 for a year-long mission as Multinational Force-West in Al Anbar and western Ninewa provinces. After rotating home and being confirmed as a Lieutenant General he commanded Marine Forces Reserve and Marine Forces North from October 2009 to March 2011. He then served as the Senior Military Assistant to two Secretaries of Defense, Messrs. Gates and Panetta, from March 2011 to October 2012.

## Kirstjen Nielsen, Chief of Staff to the Secretary of U.S. Department of Homeland Security



Ms. Nielsen currently serves as the Chief of Staff at the U.S. Department of Homeland Security, where she advises the Secretary on all operational, policy, and legal matters, including counterterrorism, cybersecurity, and border security.

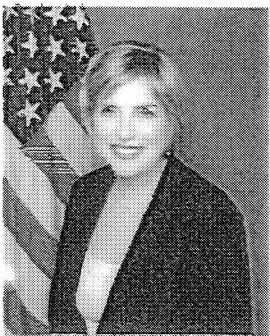
Previously, as President of Sunesis Consulting, LLC, Ms. Nielsen advised senior domestic and foreign government officials and senior private sector officials on the development and execution of preparedness strategies, policies, plans, tools and tabletop exercises to prevent, protect against and respond to catastrophic events with a focus on critical infrastructure interdependencies.

Prior to founding Sunesis Consulting, Ms. Nielsen was the General Counsel and President of the Homeland Security and Private Sector Preparedness practice at Civitas Group LLC, where, Ms. Nielsen was instrumental in assessing the legislative and policy landscape for companies looking to enter the homeland security market, expand their presence or develop new homeland security related technologies or capabilities.

Prior to her work at Civitas Group, Ms. Nielsen was commissioned by President Bush to serve as Special Assistant to the President for Prevention, Preparedness, and Response on the White House Homeland Security Council, where her responsibilities included the development, coordination, and oversight of U.S. Government homeland security policy and the development of numerous Presidential homeland security policy documents. In that role, she chaired five Policy Coordinating Committees consisting of Assistant Secretary level participants from throughout the federal interagency chartered to develop and oversee implementation of federal homeland security policy.

Ms. Nielsen previously created and managed the Offices of Legislative Policy and Government Affairs at the Transportation Security Administration (TSA), developing transportation security related policy and drafting legislation relating to security background checks, credentialing, passenger pre-screening, surface transportation and security funding. She also practiced corporate transactional law for Haynes and Boone, LLP and worked for Senator Mack on defense, aviation, foreign affairs and government affairs issues. Ms. Nielsen was a Safety and Security Advisory Board Member for the Center for Naval Analysis and is also a Member of the State Bar of Texas.

## Elizabeth M. Aubin, Chargé d'Affaires, Embassy of the United States



Elizabeth Moore Aubin is serving as the Chargé d'Affaires a.i. in Ottawa, Canada. She began her tenure as the Deputy Chief of Mission in May 2016. Previously, she was the Executive Director for the Bureau of Western Hemisphere Affairs where she provided policy direction, guidance and planning for the management of 53 diplomatic posts in the Western Hemisphere. From 2011-2014, she served as the Deputy Chief of Mission at the U.S. Embassy in Algiers, winning the Department's Commercial Advocacy Award in 2013.

Elizabeth has served in the State Department as the Director for Human Resources for the joint Executive Office of the Bureaus of Near Eastern Affairs and South and Central Asian Affairs; a Special Assistant to the Under Secretary for Management; where she coordinated macro-management issues for the diplomatic operations in Iraq and Afghanistan; as a Post Management Officer in the Western Hemisphere Affairs Bureau; as well as two tours in the Executive Secretariat; as a Watch Officer and a Line Officer.

Overseas, she has served as the Management Counselor for Embassy Tel Aviv; International Resource Management Officer for USNATO in Brussels; Management Officer at the Consulate General in Toronto; and as a General Services Officer at the Consulate General in Hong Kong. Her two entry level tours were as an Economic Officer at Embassy Rome and as a Consular Officer at the Consulate General in Curacao.

Elizabeth holds the rank of Minister-Counselor in the Foreign Service. She speaks French and Italian and has a B.A. in Political Science from Barnard College, 1987. She is married to Daniel J. Aubin.

## Kevin K. McAleenan, Acting Commissioner of U.S. Customs and Border Protection



Kevin K. McAleenan became Acting Commissioner of U.S. Customs and Border Protection January 20, 2017. As the agency's chief executive, Mr. McAleenan oversees 60,000 employees, manages a budget of over \$13 billion, and ensures the effective operations of CBP's efforts to protect national security while promoting economic prosperity and security. Mr. McAleenan directs CBP's three core missions, counterterrorism, border security, and trade enforcement, while facilitating \$4 Trillion in trade and facilitating travel of over 365 million people through ports of entry. He oversees the largest law enforcement agency and the second-largest revenue collecting source in the federal government.

Mr. McAleenan previously served as Deputy Commissioner from November 2, 2014, until his appointment to Acting Commissioner. In this role, he served as the agency's Chief Operating Officer and senior career official. Under Mr. McAleenan's leadership, CBP has developed strategies that protect the nation's borders from terrorism and attack transnational criminal networks. Mr. McAleenan has also implemented innovations that have facilitated the U.S. international arrival and departure process, saving the government and travel industry millions of dollars. He has also advanced the development of CBP's trade transformation agenda, designed to help America compete in the global economy.

Mr. McAleenan has previously held several leadership positions at CBP and one of its legacy agencies, the U.S. Customs Service. From 2006 to 2008, Mr. McAleenan served as the Area Port Director of Los Angeles International Airport, directing CBP's border security operations at LAX and 17 other airport facilities in one of CBP's largest field commands. In December 2011, Mr. McAleenan was named acting Assistant Commissioner of CBP's Office of Field Operations. In this position, he led agency operations to secure the U.S. border while expediting lawful trade and travel at 329 ports of entry in the United States and 70 international locations in more than 40 countries.

Mr. McAleenan received a 2015 Presidential Rank Award, the nation's highest civil service award. He also received the Service to America Medal, Call to Service Award, in 2005 for spearheading efforts to develop and implement a comprehensive antiterrorism strategy in the border security context after September 11, 2001.

Mr. McAleenan has been a member of the U.S. Government's Senior Executive Service since 2006. Prior to government service, Mr. McAleenan practiced law in California. He received his Juris Doctor degree from the University of Chicago Law School and a Bachelor of Arts degree from Amherst College.

## Matthew H. King, Deputy Assistant for International Engagement Policy



Matthew H. King has been the Department of Homeland Security's Deputy Assistant Secretary for International Engagement since May 2015, a role in which he previously served from 2013 to 2014. He is responsible for coordinating with U.S. and foreign partner stakeholders to achieve DHS international strategic objectives. From 2014 to 2015, he was Deputy Assistant Secretary for Law Enforcement Policy, advancing DHS law enforcement programs and priorities, aligning them with broader Federal government strategies.

From 2011 to 2013, Mr. King was the Deputy Director of Homeland Security Counter-Proliferation Investigations, where he coordinated world-wide efforts to protect critical U.S. technology and munitions.

From 2010 to 2011, Mr. King served as the Deputy Director of the National Intellectual Property Rights Coordination Center. He also supervised the HSI Cultural Property, Art and Antiquities (CPAA) program.

From 2008 to 2010, he was Deputy Assistant Director and the Acting Deputy Director of the Homeland Security Investigations Office of International Affairs, responsible for law enforcement operations of 67 Attaché offices in 46 countries. In 2010, Mr. King led a team of Special Agents into Haiti immediately after the earthquake to restore order, evacuate U.S. and protected personnel, and secure the embassy grounds.

From 2003 to 2008, Mr. King served as the DHS Attaché at the U.S. Embassy in Singapore, where he was responsible for Homeland Security activities in 17 Southeast Asia and Oceania countries. From 1999 to 2003, Mr. King was assigned to U.S. Customs Service Headquarters in Washington D.C., coordinating national policy for Strategic Investigations. From 1992 to 1999, Mr. King was assigned to the Office of the Special Agent in Charge/San Francisco, where he coordinated and led a protracted undercover investigation that resulted in the largest seizure of foreign automatic weapons in U.S. history.

Prior to his law enforcement career, Mr. King served as a trial attorney in the U.S. Department of Justice Criminal Division, responsible for the approval of applications for the interception of various communications in Federal investigations. He earned his Juris Doctorate at the Columbia University School of Law (1991) and a Bachelor of Arts degree from Wesleyan University (1981).

### **Progress on legalization of marijuana**

Under U.S. federal law, marijuana is illegal. However, it is legal for medical or recreational purposes in 28 states under state laws.

### ***RESPONSIVE MESSAGES:***

- Note that legalization and regulation of marijuana is a close collaborative effort with Minister Wilson-Raybould to address both the harm reduction and enforcement aspects. Until new legislation comes into effect, the current laws and rules remain in place.
- Underscore that the priority for Government will be to keep marijuana out of the hands of children and take the profits away from criminal enterprises.
- Emphasize that this transition will take some time to be accomplished in an orderly manner. We are taking a careful look at experiences in other jurisdictions.
- Provide assurance that in making this change, we are very sensitive to implications it may have with our American neighbours. We aim to ensure that any effect it may on border issues is closely managed, and that controls and measures are in place to mitigate possible effects.

## Joint Statement from President Donald J. Trump and Prime Minister Justin Trudeau

### Joint Statement from President Donald J. Trump and Prime Minister Justin Trudeau

Washington, D.C., United States of America – February 13, 2017

President Donald J. Trump and Prime Minister Justin Trudeau held their first official meeting today in Washington, D.C. and affirmed their longstanding commitment to close cooperation in addressing both the challenges facing our two countries and problems around the world.

No two countries share deeper or broader relations than Canada and the United States. We are bound together by our history, our values, our economy, our environment, and our resolve to improve the lives of our citizens. Our close relationship and ongoing collaboration allow us to successfully meet any challenges we may face over the coming years, and to build a prosperous future for the people of both countries.

#### Neighbours in Growing our Economies

We recognize our profound shared economic interests, and will work tirelessly to provide growth and jobs for both countries. Canada is the most important foreign market for thirty-five U.S. States, and more than \$2 billion in two-way trade flows across our shared border every day. Millions of American and Canadian middle-class jobs, including in the manufacturing sector, depend on our partnership. We affirm the importance of building on this existing strong foundation for trade and investment and further deepening our relationship, with the common goal of strengthening the middle class.

The United States and Canada also recognize the importance of cooperation to promote economic growth, provide benefits to our consumers and businesses, and advance free and fair trade. We will continue our dialogue on regulatory issues and pursue shared regulatory outcomes that are business-friendly, reduce costs, and increase economic efficiency without compromising health, safety, and environmental standards. We will work together regarding labour mobility in various economic sectors.

Given our shared focus on infrastructure investments, we will encourage opportunities for companies in both countries to create jobs through those investments. In particular, we look forward to the expeditious completion of the Gordie Howe International Bridge, which will serve as a vital economic link between our two countries.

### **Energy Security and Environment**

U.S.-Canada energy and environmental cooperation are inextricably linked, and we commit to further improving our ties in those areas. We have built the world's largest energy trading relationship. We share the goals of energy security, a robust and secure energy grid, and a strong and resilient energy infrastructure that contributes to energy efficiency in both countries. We collaborate closely on energy innovation, particularly in the clean energy sphere. As the process continues for the Keystone XL pipeline, we remain committed to moving forward on energy infrastructure projects that will create jobs while respecting the environment.

We also look forward to building on our many areas of environmental cooperation, particularly along our border and at the Great Lakes, and we will continue to work together to enhance the quality of our air and water.

### **Partners in Keeping our Border Secure**

We recognize the security of our borders as a top priority. Together, we address security at our shared border and throughout our two countries, while expediting legitimate and vital cross-border trade and travel. We demonstrate daily that security and efficiency go hand-in-hand, and we are building a 21<sup>st</sup> century border through initiatives such as pre-clearance of people and integrated cross-border law enforcement operations. In addition, our two countries are committed to a coordinated entry-exit information system so that records of land and air entries into one country establish exit records for the other.

Recognizing the success of pre-clearance operations for travellers, we commit to establishing pre-clearance operations for cargo. We intend to accelerate the completion of pre-clearance for additional cities and continue to expand this program. Not only will these efforts enhance efficiency at our shared border, they will also strengthen our shared security. In the spirit of a more efficient and secure border, we will also examine ways to further integrate our border operations, including analysis of the feasibility of co-locating border officials in common processing facilities.

Because we share a strong concern about the increase in opioid-related deaths, our countries will work together on common solutions to protect our people from opioid trafficking.

Given the integrated nature of the infrastructure that supports our intertwined economies, cyber threats to either country can affect the other. We therefore commit to further cooperation to enhance critical infrastructure security, cyber incident management, public awareness, private sector engagement, and capacity building initiatives.

### **Allies in the World**

We are indispensable allies in the defence of North America and other parts of the world, through NATO and other multilateral efforts. Our troops have time and again fought together and sacrificed their lives for our shared values. The North American Aerospace Defense Command (NORAD) illustrates the strength of our mutual commitment. United States and Canadian forces jointly conduct aerospace warning, aerospace control, and maritime warning in defence of North America. We will work to modernize and broaden our NORAD partnership in these key domains, as well as in cyber and space.

The United States welcomes Canada's recently announced decision to launch an open and transparent competition to replace its legacy fleet of CF-18 fighter aircraft. The United States also welcomes Canada's decision to explore the immediate acquisition of 18 new Super Hornet aircraft as an interim capability to supplement the CF-18s until the permanent replacement is ready. Canada appreciates the cooperation of the United States to facilitate these processes.

The United States values Canada's military contributions, including in the Global Coalition Against Daesh, and in Libya. Together, we are harnessing all elements of national power to achieve the goal of degrading and destroying Daesh through our military operations to deny it safe havens and to build the capacity of local partners, stop the flow of foreign terrorist fighters into the Middle East region, cut off access to financing and funding, counter the Daesh narrative, and support the stabilization of communities liberated from Daesh.

#### **Empowering Women Entrepreneurs and Business Leaders**

It is a priority of both countries to ensure equal opportunities for women in the workforce. We are committed to removing barriers to women's participation in the business community and supporting women as they advance through it. As part of this effort, we are creating a Canada-United States Council for Advancement of Women Entrepreneurs and Business Leaders. We expect this initiative to promote the growth of women-owned enterprises and to further contribute to our overall economic growth and competitiveness, as well as the enhanced integration of our economies.

#### **The Way Forward**

We share a commitment to continue to strengthen our ties for the benefit of our mutual prosperity and security. We look forward to our cabinets following up on today's meeting with further discussions in their respective areas of responsibility. Our countries deserve our full commitment to increased economic growth, which we will deliver. The partnership between the United States and Canada will continue to be unique and a model for the world.



## NEXT STEPS FOR PRECLEARANCE

### Background

The February 13, 2017 joint statement between Prime Minister Trudeau and President Trump committed Canada and the U.S. to implement cargo preclearance and to establish co-location facilities. In addition, last March in Washington, the Prime Minister and President agreed in principle to expand preclearance operations to new Canadian locations including Jean Lesage Airport in Quebec City, Billy Bishop Airport in Toronto, Montreal Central Station and Rocky Mountaineer in Vancouver.

### Timelines for Ratification of the Agreement

For Canada to be in a position to ratify the new preclearance agreement, we need to pass legislation and approve regulations. Bill C-23 was adopted at Second Reading and has been referred to the Standing Committee on Public Safety and National Security (SECU). To help ensure that we can ratify the preclearance agreement in a timely manner, we need continued cooperation with U.S. officials to address various implementation issues. The regulatory process can take up to 18 months to complete.

The U.S. adopted the necessary implementing legislation last December with bipartisan support.

### Cargo Preclearance

Cargo preclearance is a key priority for Canada and industry stakeholders are keen to see it implemented

Canada drafted Bill C-23 with the understanding that the new preclearance agreement provides the necessary authorities for cargo preclearance in both countries. For example:

- Bill C-23 allows any U.S. official to be designated as a preclearance officer – whether that person works for CBP, ICE, the FDA, etc. – the officer would have protections under the protections and accountability framework and would have the ability to exercise all the authorities provided to preclearance officers under Bill C-23.
- CBSA has worked closely with all Canadian government departments and agencies that participate in cargo processing to ensure each agency has the necessary authorities to do their job in the U.S. This has included reviewing all acts and regulations that relate to cargo to ensure their authorities can be exercised extraterritorially.

#### Canadian Operations in the U.S.

For Canadian preclearance in the U.S., the CBSA is developing a strategy to maximise operational, economic, program integrity and service delivery benefits through cargo and traveler preclearance operations. The strategy is also looking at co-location opportunities.

#### Other Implementation Issues

Canadian officials continue to work with the U.S. on implementation issues such as cost recovery, vetting, technical design standards and the new criminal liability framework.

#### Next Steps

## MEDIA SCAN OF RECENT BORDER TRENDS: U.S. LAND PORTS OF ENTRY

### Individual Cases

#### *January 2017*

There were several incidents of Canadians headed to the Women's March in Washington, D.C., being turned away at the U.S. border the day after President Trump's inauguration. In one specific case, U.S. border agents pulled over a car once the occupants stated that the reason for their travel to the U.S. was to attend the Women's March. Their vehicle and cell phones were searched. Each member of the group was fingerprinted and had their pictures taken. Finally, they were refused entry into the U.S. and warned that they would be arrested if they tried to cross at a different border crossing.

A prominent Alberta biomedical engineer, who was born in Iran and holds a Canadian permanent resident card, said he was denied entry into the United States. He and five colleagues from his research team were heading to the U.S. to attend a biomedical engineering conference in San Francisco. His colleagues were able to board their flights but he was denied a boarding pass. He was travelling with his permanent residency card and a travel visa he obtained from the United States Consulate in Calgary prior to the trip.

#### *February 2017*

A Muslim-Canadian citizen (carrying a Canadian passport), born in Morocco and living in Quebec for 20 years, was turned away at the Canada-U.S. border (Highgate Springs crossing in Vermont) along with her cousin and two children after a lengthy interrogation by U.S. border agents on her religion, her views of President Trump, and whether she knew any of the victims in the Quebec City mosque shooting. Border agents took her cell phone and asked for her password. She was fingerprinted, photographed and then denied entry into the U.S.

A 19-year-old male, Canadian citizen (carrying a Canadian passport) born of Moroccan parents, traveling to Boston for an athletic competition was not allowed to enter the U.S. with the rest of his team. U.S. authorities wanted to know whether he attended a mosque and how often he visited Morocco. He was fingerprinted, photographed and asked to turn over his phone and passwords for the duration of the interrogation, after which he was denied entry into the U.S.

After decades of travelling back and forth to the U.S. without issue, a Hamilton man was barred from entering the U.S. over a 47-year-old conviction for possession of stolen property for which he had received a suspended sentence and a year's probation. In this most recent trip, he was fingerprinted, his photo was taken and he was subjected to a full body search and denied entry. The man was told by U.S. border guards that if he wanted to enter the U.S., he would need to go through the process of getting his criminal record cleared with the RCMP.

An Afghanistan-born Ontario doctor was questioned for more than five hours at the Blue Water Bridge border crossing on February 24, 2017 as to what "tribe" he belonged to, the name of his "tribe chief" and whether he had seen "a lot of gunmen" growing up in Afghanistan. The Sarnia doctor is a Canadian citizen and was trying to cross the bridge to Michigan to visit the Nexus office because he had received an email a few days earlier saying that his Nexus card had been revoked. He was eventually cleared to go through but declined for fear of not being able to return to Canada.

#### **Other Trends**

Close to 200 Canadian permanent residents had their Nexus cards revoked in early February because of the January 27 presidential order banning entry of people from seven Muslim-majority countries into the U.S. Given that the order now stands suspended, these 200 Nexus cards have been reinstated, pending further court decisions. The Government has received assurances from the U.S. that Canadian dual citizens and permanent residents in Canada who are citizens of one of the seven countries named in the ban will still be allowed to cross the border.

Schools across Canada are grappling with the uncertainty of U.S. travel restrictions and are concerned with how foreign-born students could be treated at the border. For example, the Sooke School District in British Columbia and the Ottawa-Carleton District School Board are reconsidering a number of trips planned for sports, music and educational purposes in the coming months. The Windsor, Ontario, school board has suspended field trips across the Canada-United States border.

## OVERVIEW OF CANADA-UNITED STATES BORDER COOPERATION

Canada and the United States (U.S.) have a history of cooperation on issues of security and border management. This cooperation has enabled both countries to maintain an effective and secure border in the face of security concerns since 2001 that could have seen a thickening of the border. Contemporary cooperation on the border between Canada and the U.S. can be traced back to the 2001 *Smart Border Declaration* which aimed to improve border security, information sharing and law enforcement co-operation. The following list of key activities highlights both the constancy of bilateral efforts, as well as the time it has taken to make the significant changes that mark our current environment.

Description	Issue addressed	Key Outcomes
<b>RIDGE-MANLEY SMART BORDER ACTION PLAN, 2001</b>		
<p><b>Objective:</b> Create a “smart border” to improve the flow of goods and people without compromising border security in the wake of the September 11, 2001.</p> <p>The 2001 <i>Smart Border Declaration</i> was implemented through a 30-Point Action Plan (Smart Border Action Plan) that sought to enhance the security of the shared border while facilitating the legitimate flow of people and goods. It was signed in December 2001 between U.S. Homeland Security Director Tom Ridge and Canadian Foreign Minister John Manley. The Smart Border Action Plan was organized under four pillars: the secure flow of people; the secure flow of goods; secure infrastructure; and information sharing and coordination.</p>	<p>Furthermore, as both countries moved to break down domestic information sharing silos, through the creation of the Department of Homeland Security and Public Safety and Emergency Preparedness Canada, the need to share information and improve coordination between countries was evident.</p> <p>The Smart Border Action Plan sought to address these issues by introducing various mechanisms and technological enhancements to expedite the crossing process and enhance information-sharing between Canada Border Services Agency (CBSA) and U.S. Customer and Border Protection (CBP).</p>	<p>Notable outcomes include:</p> <ul style="list-style-type: none"> <li>• common standards for the biometrics and adoption of interoperable and compatible technology to read these biometrics;</li> <li>• NEXUS at select land ports of entry and piloting at air ports of entry;</li> <li>• sharing of information on those applying for asylum to identify security and criminality threats and limit ‘forum shoppers’;</li> <li>• regulatory framework and standard operating procedures for the implementation of the Canada-U.S. Safe Third Country Agreement;</li> <li>• expansion of the number of regions with Integrated Border Enforcement Teams (IBETs) to disrupted illicit trafficking of goods and peoples.</li> <li>• expansion of air preclearance;</li> <li>• implementation of an automated Canada-U.S. data-sharing program to exchange advanced passenger information in air travel; and</li> <li>• creation and deployment of Free and Secure Trade (FAST) at select high volume crossings.</li> </ul>

Description	Issue addressed	Key Outcomes
<b>WESTERN HEMISPHERE TRAVEL INITIATIVE, 2004</b>		
<p><b>Objective:</b> Strengthen border security and facilitate entry into the United States for both legitimate U.S. citizens and foreign visitors by setting conditions and standardizing documents for entry.</p> <p>The U.S.' Western Hemisphere Travel Initiative (WHTI) emerged from the U.S.'s 2004 <i>Intelligence Reform and Terrorism Prevention Act</i> (IRTPA) and created a new condition that visitors entering or re-entering the U.S. would be required to produce a valid passport or other accepted document.</p>	<p>Prior to the WHTI, Canadian and American citizens were only required to prove their identity and citizenship through oral declarations and/or the presentation of commonly held documents, such as a driver's license or birth certificate. Moving towards the use of secure documents would address potential threats, while expediting legitimate low-risk trade and travelers.</p> <p>Given the potential for significant delays and negative economic impacts on cross-border trade, Canada engaged the U.S. to develop identify solutions for Canadians beyond requiring all Canadians to be issued a passport.</p>	<p>Reduced impact on Canadians because of pre-existing WHTI-compliant documents such as NEXUS or Free and Secure Trade (FAST) cards developed under Smart Border.</p> <p>Building on the common standards and fraud resistant documents developed under the Smart Border, CBSA was able to work with CBP to identify new WHTI-compliant travel documents. Specifically, the Enhanced Driver's Licenses (provincial) and Enhanced Identification Cards (states), which contained containing information on the holder's identity and citizenship for use at land and marine points of entry.</p>

Description	Issue addressed	Key Outcomes
<b>BEYOND THE BORDER ACTION PLAN, 2011</b>		
<p><b>Objective:</b> Move to a perimeter approach to security and prosperity through a secure shared border that facilitates legitimate trade and travel.</p> <p>In 2011, Prime Minister Harper and President Obama issued a joint declaration, <i>Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness</i>, and its associated 34 initiative Beyond the Border Action Plan (BTB Action Plan). The BTB Action Plan identified four main areas of cooperation: addressing threats early; facilitating trade and economic growth; cross-border law enforcement; and critical infrastructure and cyber-security.</p>	<p>In an ever changing and complex threat environment and increasingly global market, Canada and the U.S. recognized that addressing threats and economic prosperity require not just addressing issues at the shared border, but away from it.</p> <p>BTB Action Plan initiatives sought to establish a new long-term partnership which focused not just on border priorities, but on enhanced security goals and plans to accelerate the legitimate flow of good, people and services.</p> <p>This would be accomplished using a risk based approach with interoperable or joint measures and technology to effectively address threats at and before the border.</p>	<p>Notable outcomes include:</p> <ul style="list-style-type: none"> <li>• authorities to expand preclearance to all modes and cargo;</li> <li>• expansion of membership and benefits of trusted trader and traveler programs;</li> <li>• mutual recognition of respective air cargo security programs to improve air cargo security and eliminate rescreening except for cause, and piloted an Integrated Cargo Security Strategy under the principle “inspected once, cleared twice”;</li> <li>• border infrastructure investments at key border crossings including physical upgrades, additional NEXUS or FAST lanes, border wait time technology and RFID technology;</li> <li>• deployment of Shiprider program to 5 locations;</li> <li>• standing up of a joint biographic Entry/Exit system for Canada and the U.S. through: <ul style="list-style-type: none"> <li>◦ deployment of Interactive Advance Passenger Information system with the U.S., and</li> <li>◦ information sharing of entries into Canada at the land border.</li> </ul> </li> <li>• launch of electronic Travel Authorization (e-TA) for non-visa country travelers to Canada;</li> <li>• expanded information sharing across immigration, national security and law enforcement (incl. “no-fly” lists and automated checks of biographic and biometric visa and immigration information);</li> <li>• establishment of the Canada-U.S. Regulatory Cooperation Council to align interests on health, safety and the environment, while supporting growth, investment, innovation and market openness.</li> </ul>

## OVERVIEW OF KEY INVESTMENTS IN BORDER INFRASTRUCTURE AND TECHNOLOGY

Reducing impediments to legitimate trade and travel and coordinating border infrastructure and technology investments continue to be areas of shared interest to both Canada and the U.S.

### Current and Planned Infrastructure Investments

As part of the 2011 Beyond the Border Action Plan, Canada and the U.S. agreed to make significant investments at key border crossings and identified initial priority crossings for investment. In 2013, the Government of Canada (GoC) announced funding of up to \$147 million (M) for significant infrastructure upgrades to Canadian priority crossings (Lacolle, Lansdowne, Emerson, and North Portal). These upgrades will be completed by 2019-20. The U.S. has made progress in upgrading two of its four priority crossings (Alexandria Bay, Peace Bridge) with funding of approximately \$150M to date.

The Fall Economic Statement issued by the Honourable Bill Morneau, Minister of Finance, proposed an additional \$81 billion over 11 years, starting in 2017-18, to support public transit, green infrastructure, social infrastructure, and transportation that supports trade, Canada's rural and northern communities and smart cities. \$10.1 billion over 11 years were announced as part of this investment to build more efficient transportation corridors to international markets. Priority investments would include those that address congestion and bottlenecks along vital corridors and around transportation hubs and ports providing access to world markets. In the coming months, decisions on the program parameters, eligibility criteria and application processes will be made and the government will be sharing more details about specific plans for infrastructure investments throughout the country. The federal government will need to deliver this funding in collaboration with provinces with whom there is shared jurisdiction for these types of infrastructure.

In addition, Canada and the U.S. continue to work together with a view to identifying opportunities for complementary investments at the border. In February 2017, a joint statement between Prime Minister Trudeau and President Trump committed both countries to further integrate border operations, including analysis of the feasibility of co-locating border officials in common processing facilities.

Some key current and planned infrastructure investments include:

#### A. Gordie Howe International Bridge (GHIB) Project

The Windsor-Detroit Bridge Authority (WDBA) is responsible for project oversight including the actual construction and operation of the Gordie Howe International Bridge (GHIB). On November 10, 2016, the WDBA issued its Request for Proposals (RFP), inviting Proponents to submit formal proposals to design, build, finance, operate and maintain the GHIB. The completion date of the project, originally targeted for December 2020, is expected to be known by the spring of 2018. The RFP process will take 18 months and the construction period is contemplated to be 4-5 years.

## B. Current Investments

*Alexandria Bay, NY - Lansdowne, ON (Thousand Islands Bridge):* Current Canadian investments underway to complete replacement and expansion of Ports of Entry facilities including plaza redevelopment for a new traveler/commercial facility, and expansion to 9 traveler lanes and 4 commercial lanes. Current U.S. investments (phase I) are underway to construct new commercial operations building and installation of hi-lo inspection booths.

*Buffalo, NY - Fort Erie, ON (Peace Bridge):* Current Canadian and U.S. investments underway to replace bridge deck and consolidate traffic to the Port of Entry. There are planned U.S. investments to expand the plaza on their side of the border, as well as the queuing and inspection areas.

*Pembina, ND - Emerson, MB:* Current Canadian investments to construct a new commercial plaza to process truck traffic entering Canada. This will include a dedicated FAST lane, a larger warehouse to enable better and faster secondary inspection of commercial vehicles and technology to stream FAST trucks for priority processing. Proposed U.S. investments to renovate/expand main building to accommodate more staff; and add a dedicated/ new commercial lane.

*Highgate Springs, VT - St-Armand, QC:* Current Canadian investments are underway in inspection infrastructure and completion of the extension of Quebec Highway 35 to the Vermont border (completing the expressway link between Montreal and Boston). Proposed U.S. investments to: improve primary commercial inspection capacity; improve outbound inspection capacity; expand and upgrade the customs area security center; expand and reconfigure to meet demand from new highway construction coming in from Canada; renovate main port building and expand secondary processing, hard secondary and officer work area for better flow and functionality.

*Houlton, ME - Woodstock, NB:* Current Canadian investments underway to completely overhaul crossing (building complex). Proposed U.S. investments to: expand cargo building; reconfigure main port building to facilitate operations including relocation/expansion of hard secondary security, customs area security center, secondary processing and supervisory and officer work areas; and upgrade and expand commercial building to facilitate operations.

*Champlain, NY - Saint Bernard-de-Lacolle, QC (Route 15):* Current U.S. investment to construct import specialist area and new truck inspection facility. Current Canadian investments to modernize and expand CBSA facilities; increased traveler primary inspection capacity necessary to reduce border waiting times, expand enforcement area and secondary travelers' examination facilities, and upgrade the officer arming facilities; general enhancements to various infrastructure items (water treatment and fire prevention); and various Highway 15 projects. The commercial building was completed this year to reduce length of time commercial carriers must wait for off-load examination by increasing commercial off-load processing capacities.

### C. Planned Investments

*Detroit, MI - Windsor, ON (Ambassador Bridge): Detroit, MI - Windsor, ON (Ambassador Bridge):* Proposed U.S and planned Canadian private-sector investments to replace the existing span with a new six-lane bridge. There are proposed private Canadian investments to: relocate CBSA commercial off-site facility to the Point of Entry (POE); and, expand the current POE facilities. There are also proposed U.S. investments to: construct new primary inspection booths, a secondary inspection building, and CBP commercial inspection booths; and, expand main building to better accommodate CBP operations.

*Port Huron, MI - Sarnia, ON (Blue Water Bridge):* Proposed Canadian investments to allow for the multi-phase development of the bridge plaza, which includes considering opportunities for the joint development of entire bridge property. Proposed U.S. investments are being considered to improve commercial and non-commercial inspection capacity including inspection exit control capacity renovating/expanding main building to facilitate CBP operations.

*Blaine, WA - Surrey, BC (Pacific Highway):* Proposed U.S. investments for additional transportation infrastructure to facilitate truck movement and future dynamic lane assignments (FAST/NEXUS). Canadian investments underway to: convert existing regular lanes to NEXUS lanes, and make other additional enhancements.

*Rouses Point, NY – Lacolle (Route 223), QC:* Planned Canadian investment for reconstruction of the bridge over the Lacolle River.

*Renewal of Land Border Ports of Entry:* Canada has set aside \$440 million in capital investment for the renewal of its custodial land border ports of entry. This investment is focused on the renewal and replacement of aging small ports of entry along the Canada-U.S. border that are in a poor state of repair. The Canada Border Services Agency is currently completing the business case to complete planning for the project, potentially as a public private partnership. Once approved, the project is expected to be formally initiated later in 2017 and completed in 2020 - 2021.

### Ongoing and Planned Technology Investments and Deployments

The free flow of goods and services between Canada and the United States creates immense economic benefits for both countries. As the two countries work to strengthen the security of the shared perimeter, initiatives to create more openness at the land border for legitimate travel and trade are being pursued. Investments to improve the shared border technology will help to facilitate movement and trade across the border.

#### A. Border Wait Time Technology

The Border Wait Time (BWT) technology is comprised of systems and devices to automatically calculate border wait times. This technology allows travelers and commercial traffic to make informed decisions about when and where to cross the border. Under the Beyond the Border Action Plan, Canada and the U.S. committed to deploying border wait time technology at 20 mutually determined high priority Canada-U.S. border crossings. Of these top 20 land border crossings, border wait time technology has been implemented at seven crossings: Blaine, WA (Peace Arch) - Surrey (Douglas), BC;

Blaine, WA - Surrey, BC (Pacific Highway); Lynden, WA - Aldergrove, BC; Buffalo, NY - Fort Erie, ON (Peace Bridge); Port Huron, MI - Sarnia, ON (Blue Water Bridge); Sumas, WA - Abbotsford, BC (Huntingdon); Lewiston, NY - Queenston, ON (Lewiston-Queenston Bridge). These were funded through previous initiatives and are operational, and represent \$2.3 million spending in federal funding.

In November 2016, the Office of the Auditor General released its audit report on Beyond the Border Action Plan, including the Border Wait Time Initiative. The report recommended that the Government of Canada should assess the benefits of the BWT technology before undertaking any further implementation of these technologies. As a result, Transport Canada and the Canada Border Services Agency and other stakeholders are currently working to assess the benefits of existing installations and to develop appropriate performance indicators to measure the travel benefits of completed and future border wait time measurement projects.

In the United States, in June 2016 the U.S. Department of Transportation (DOT) provided funding to three U.S. Departments of Transportation (New York, Washington, and Michigan) to undertake pilot studies for innovative border wait-time technology.

In light of the audit report, the approach to border wait time measurement going forward is being reviewed and will also be informed by the U.S. pilot currently underway.

### **B. RFID Lanes**

Under the Beyond the Border Action Plan, Canada committed to install Radio Frequency Identification Device (RFID) transponder technology at 22 lanes and 11 border crossings. The U.S. has already made significant investments in this technology. CBSA expects to complete installation and ensure access to RFID-enabled documents at the border by the end of 2016-17. To date, RFID technology has been deployed at 4 of 11 border crossings.

Borders identified for this project are: Blaine, WA (Peace Arch) - Surrey (Douglas), BC; Massena, NY - Cornwall, ON (Seaway International Bridge); Blaine, WA - Surrey, BC (Pacific Highway); Champlain, NY - Saint Bernard-de-Lacolle, QC (Route 15); Niagara Falls, NY - Niagara Falls ON (Rainbow Bridge); Buffalo, NY - Fort Erie, ON (Peace Bridge); Detroit, MI - Windsor, ON (Ambassador Bridge); Detroit, MI - Windsor, ON (Detroit-Windsor Tunnel); Port Huron, MI - Sarnia, ON (Blue Water Bridge); Pembina, ND - Emerson, MB; Lewiston, NY - Queenston, ON (Lewiston-Queenston Bridge).

### **C. Small and Remote Ports Of Entry Automation**

Under the Beyond the Border Action Plan, Canada and the U.S. committed to better coordinating joint port of entry investment and enhancing client service at small and remote ports of entry by analysing hours of operation, considering technology-only processing solutions, joint or co-managed facilities and aligning plans for expansion and closure. In support of the Action Plan, Canada launched a Remote Traveler Processing Pilot at Morses Line, Quebec in 2016. Analysis of the results and recommendations for the way forward are expected to be completed in Spring 2017. While an analysis of hours of operation and joint or co-managed facilities was conducted, it was determined that any changes in this regard were dependent on the results of Canada's technology-only processing pilot and the advancement of the pre-clearance initiative.

#### **D. Radio Interoperability**

Work is ongoing to establish a secure binational radio interoperable system between the RCMP and U.S. Customs and Border Protection to more effectively facilitate cross-border law enforcement operations. The system creates a dedicated, secure and encrypted interoperable network that utilizes Voice over Internet Protocols. Canada has completed all system set-up requirements and is currently waiting for the U.S. to secure funding to complete all identified locations.

To date, two of seven divisional locations (i.e., Vancouver/Blaine and Windsor/Detroit) have already been connected and work has recently been initiated to complete system connection in Quebec/Vermont. Other operational locations still to be connected are New Brunswick, Manitoba, Saskatchewan and Alberta.

#### **E. Other**

The RCMP assesses, acquires and deploys a suite of technological tools along the border to strengthen border integrity. The effective use of technological tools provides Canadian border law enforcement officers with the situational awareness required to respond appropriately to and address the highest risk areas.

The RCMP also works closely with U.S. partners to address cross-border criminality. Several exercises are currently underway, including the Capability Gaps Analysis Process with U.S. Border Patrol, which will assist in identifying gaps and vulnerabilities along the border that allow for the coordinated deployment of assets.

Moreover, as part of the Beyond the Border Action Plan, the Domain Awareness initiative commits Canada and the U.S. to develop a shared understanding of the border environment with a view to jointly deploying technology assets. This joint work will continue in the months ahead.

## OPIOID CRISIS

Fentanyl is a highly potent and addictive synthetic opioid with legitimate medicinal uses for severe pain management. The illicit manufacturing and distribution of fentanyl and fentanyl-laced drugs is a growing threat to public safety and has resulted in thousands of overdoses and deaths in Canada. The current upsurge in the illicit use of fentanyl is expanding geographically, facilitated by organized crime groups, and involves both fentanyl pharmaceutical products and its analogues.

The number of fentanyl seizures conducted by Canadian law enforcement agencies has been increasing since 2011, almost doubling year to year, while Canada Border Services Agency (CBSA) fentanyl seizures have only become a frequent occurrence since 2014. Since 2014, the CBSA has made 114 seizures of fentanyl, including pure fentanyl (seized for the first time in March 2014), fentanyl citrate, and at least five different fentanyl analogues, including carfentanil (seized by the CBSA for the first time in May 2016). Liquid fentanyl was seized for the first time in May 2016 by the Hamilton Police.

The Government of Canada is introducing amendments to the *Controlled Drugs and Substances Act* (CDSA) and *Customs Act* to assist law enforcement and border officials in addressing this crisis. Under Bill C-37, regulatory mechanisms would be applied to better restrict pill presses and other designated devices used in the manufacturing of illegal pills containing opioids, including fentanyl. This will be a good first step in gathering evidence on the use of otherwise legitimate tools in the illicit manufacturing of drugs. The Bill also proposes to remove the 30 gram or less mail exception from the Customs Act, granting border officers the authority to open international mail of any weight, should they have reasonable grounds to suspect the item may contain prohibited, controlled or regulated goods. Currently under the *Customs Act*, mail weighing 30 grams or less, may only be opened by a border officer if consent is obtained from the sender or the addressee. If no consent is given, the mail is simply returned to Canada Post to return to the sender. This situation allows importers of dangerous substances, such as pure fentanyl, to adopt a shotgun approach, where a large quantity of fentanyl-containing packages weighing 30 grams or less are mailed to Canada, with CBSA having no authority under the *Customs Act* to open, unless CBSA has secured consent.

From a North American perspective, Canada is engaging in trilateral discussions with the United States and Mexico on the opioid crisis through the new North American Drug Policy Dialogue. PS led the Canadian delegation, which included officials from RCMP, Health Canada and Justice Canada, at the inaugural meeting held in October 2016. The result of the dialogue was the identification of best practices to combat the opioid problem and approaches to gather and share data to enhance cooperation. The next meeting of the three countries is planned for as early as the first quarter of 2017.